THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.10966 OF 2003

DT.05-07-2006

Between:

M/s Deccon Industries, Mahaboobnagar

.. Petitioner

A n d

The District Collector (CS),
Mahaboobnagar District and another

… Respondents

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.10966 OF 2003

ORDER:

This writ petition is filed with the following prayer:

"For the reasons and circumstances stated above, the petitioner prays that this Honourable Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action
of the respondents in not releasing the stocks/rice in pursuance of the judgment in Crl.A.No.48 of 2003 dated 03-04--2003 on the file of Sessions Judge, Mahaboobnagar, as illegal, arbitrary and without jurisdiction and further direct the respondents to release the stocks seized from the petitioner's firm; and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The petitioner is a rice miller. The goods seized are rice. Against the orders of confiscation passed by the Joint Collector, Mahaboobnagar, an appeal in Crl.A.No.48 of 2003, on the file of Sessions Judge, Mahaboobnagar, was filed and the same was allowed. In the writ petition though the prayer is couched in the negative language, the prayer is to release the rice. Rice is a perishable commodity. We cannot expect the rice that was seized in the year 2002 to be intact and in as is where is condition, years after the seizure.

The learned counsel for the petitioner when pressed by the Court submits that the rice was already sold, but contends that no counter is filed by the Government. In fact, no counter is necessary to state that the rice has been sold when the same is an admitted fact. The learned counsel further submits that while making payment, the Government deducted demurrage charges etc. Thus, it is clear that payment was made. If any deductions are made illegally, the petitioner can challenge the same before the competent court.

Accordingly, the writ petition is disposed of. No costs.

Date: 05-07-2006.

M.VENKATESWARA REDDY,J

Lrkm.